

JOE WARDY  
MAYOR

JOYCE WILSON  
CITY MANAGER



## CITY COUNCIL

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN F. COOK  
DISTRICT NO. 4

PRESI ORTEGA, JR.  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

### REGULAR COUNCIL MEETING COUNCIL CHAMBERS APRIL 12, 2005 9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:08 a.m. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Jose Alexandro Lozano, John F. Cook, Presi Ortega, Jr., Paul J. Escobar, Vivian Rojas, and Anthony W. Cobos. Late arrival: Robert A. Cushing, Jr. at 9:10 a.m. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

### MAYOR'S PROCLAMATIONS

1. **ARTHRITIS WALK DAY**
2. **NATIONAL LIBRARY WEEK**
3. **NATIONAL YOUTH SERVICE DAY IN EL PASO**

**NO ACTION WAS TAKEN** on the following item: Discussion and action on the Coalition asking the Mayor and Council members for (1) reaffirmation of their Proclamation denouncing violence against women, and (2) permanent removal of Mr. Cushing from all committees and decisions on law enforcement and women. [Irasema Coronado, Co-Chair, Coalition Against Violence toward Women and Families at the Border]

Dr. Irasema Coronado and Dr. Kathleen Staudt, commented representing Coalition Against Violence Toward Women and Families at the Border.

Sr. Ida R. Berresheim, Centro Mujeres de en Esperanza, commented.

Mayor Joe Wardy commented.

**NO ACTION WAS TAKEN** on the following item: We would like to have the Mayor and Council reconsider decisions made regarding the CDBG funding recommendations for the 31st year due to irregularities that are not fair to several applicants for these monies. [Marina Rios, Bacilli Valenzuela, and the San Juan Senior Citizen Center members]

The following members of the public commented:

1. Mr. Basilio Valenzuela, San Juan Senior Citizen Center
2. Ms. Marina Rios, Vice President, of San Juan Neighborhood Association

Mayor Joe Wardy and Representatives Lozano, Austin, Rojas, Cobos, and Cushing commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager, for the record, provided a summary of the process going forward from the CDBG Steering Committee recommendations and added that this is a two-phase process. She explained that the first phase of the process is the CDBG Steering Committee preparing recommendations. The second phase of the process, on April 26, those recommendations will be brought before the Council Members for review, which the Council can then accept or modify. During the summer, Council will then finalize the budget for the CDBG (Community Development Block Grant), as part of the budget process.
2. Mr. Roberto A. Salinas, Director, Community and Human Development.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted.  
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).  
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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of April 5, 2005.  
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**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"); Superior Aviation Fuel Enterprises, Inc. ("Assignor"); Trajen Flight Support, LP (Assignee"); and Trajen Holdings, Inc. ("Guarantor") with regard to the Fuel Site Lease Agreement effective July 1, 2003, covering the property described as a portion of Lot 1, Block 1, Butterfield Trail Aviation Park, Unit One, El Paso County, Texas, consisting of approximately 71,429 square feet of land adjacent to the new Air Cargo Facility located at 301 George Perry Blvd., El Paso, Texas.

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**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"); Superior Aviation Fuel Enterprises, L.L.C. ("Assignor"); Trajen Flight Support, LP (Assignee"); and Trajen Holdings, Inc. ("Guarantor") with regard to the Commercial Aviation Fixed Base Operators Lease dated February 28, 1989 covering the property described as a portion of Section 31, Block 80, Township 2, Texas & Pacific Railroad Surveys, and a portion of Tract 4A, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas, commonly known as 6775 Convair Road, El Paso, Texas.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"); Superior Aviation Fuel Enterprises, L.L.C. ("Assignor"); Trajen Flight Support, LP (Assignee); and Trajen Holdings, Inc. ("Guarantor") with regard to the Fixed Base Operators Lease Agreement effective September 1, 2003, covering the property described as a parcel of property known as Site 3, El Paso International Airport Tracts, Unit 11, El Paso County, Texas, containing 435,542.892 square feet of land and municipally known and numbered as 1751 Shuttle Columbia Drive, El Paso, Texas.

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**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"); Superior Aviation Fuel Enterprises, L.L.C. ("Assignor"); Trajen Flight Support, LP (Assignee); and Trajen Holdings, Inc. ("Guarantor") with regard to the Fuel Site and Facility Lease dated June 1, 1998, covering the property described as the East 40 feet of Lot 33, and all of lot 34, Block 4, El Paso International Airport Tracts, Unit 1, and Lot 35, Block 4, El Paso International Airport Tracts, Unit 1, City of El Paso, El Paso County, Texas, and municipally known and numbered as 7623 and 7625 Boeing Drive, El Paso, Texas.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE REGULAR AGENDA** the Resolution below:

Motion made by Representative Austin, seconded by Representative Escobar and unanimously carried to **MOVE TO THE FOREFRONT OF THE AGENDA** the Resolution below:

**RESOLUTION**

**WHEREAS**, on our about April 9, 2002, the City Council of the City of El Paso approved the Public Art Ordinance that calls for the promotion and encouragement of "private and public programs to further the development and public awareness of, and interest in, the fine arts and cultural properties, to increase employment opportunities in the arts, to encourage the integration of art into the architecture of municipal structures of the City of El Paso, and to provide the citizens of the City high quality, publicly accessible works of art, which contribute to the urban landscape and symbolizes the City's sense of place;" and

**WHEREAS**, said Public Art Ordinance also required the City of El Paso to create a Public Art Master Plan to guide the public art program and the expenditures of the public art fund; and

**WHEREAS**, the City of El Paso retained a consultant to develop the Public Art Master Plan, as required by the ordinance, which would serve as a living document providing a framework to revive the culture and color of El Paso; proposing ways to include artists in shaping the architecture, infrastructure, icons and images of the City. The consultant has developed such a plan; and

**WHEREAS**, the Public Art Master Plan is intended to further the following public policy goals: (a) enhance the quality of life of its residents through the thoughtful infusion of artists at a neighborhood level and in the design of publicly financed infrastructures; (b) promote economic revitalization by adding value to municipal facilities, creating ongoing opportunities for artists and artisans to enhance visitor experience; and (c) define, focus, enhance and improve authentic images of El Paso as a unique place, community and destination; and

**WHEREAS**, the City Council is of the opinion that the Public Art Master Plan is of benefit to the citizens of El Paso as a tool to properly bring a unique design and cohesion to the City's public places, create works and environments that celebrate and offer insights about the region's history and culture, as well as bolster the City's distinctive sense of place; and

**WHEREAS**, City Council herein finds that the Public Art Master Plan should provide a basis for all future public art programs and guidance of all expenditures from the public art fund.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Public Art Master Plan, attached as Exhibit "A" and incorporated for all purposes as if set forth verbatim ("the Plan") is hereby approved and adopted as the primary guideline to be utilized in all public art programs; and

That the Plan shall be the primary guideline utilized in determining and appropriating expenditures from the public art fund; and

That City Council authorize the City Manager or her designee to negotiate with the appropriate parties to allow the City to fund, implement and participate in the Public Art Master Plan.

Ms. Gretchen Freeman, Freeman / Whitehurst Group, gave a Powerpoint presentation and commented.  
(presentation on file in the City Clerk's Office)

Mayor Joe Wardy and Representatives Cook, Austin, Escobar, and Rojas commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Stuart Mitchell, citizen, commented.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to **APPROVE** the above Resolution.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign a Contract of Sale between the CITY OF EL PASO and LUZ D. ACOSTA for the purchase of a portion of Lot 14, Block 2, of Hueco View Acres, an Addition to the City of El Paso, El Paso County, Texas, (.069 acre) for the Edgemere Extension Project  
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**\*RESOLUTION**

**WHEREAS**, on February 7, 2004, the citizens of El Paso approved Proposition No. 3 as identified on the Bond Obligation Election ballot and as described in Ordinance No. 15611; and

**WHEREAS**, Proposition No. 3 identifies the issuance of general obligation bonds for permanent public improvements including streets, thoroughfares, alleys, pedestrian ways, sidewalks, median openings, bridges, intersections, and other public ways of the City and also included a specific project name "Unpaved Rights-of-way" (Citywide), which is identified as "Property acquisition, design and construction of unpaved residential and arterial streets, including overwidth-paving reimbursements for new growth areas; and

**WHEREAS**, Proposition No. 3 requires the City Council to approve the project priorities to be improved with the bond monies for the "Unpaved Rights-of-way" (Citywide) project; and

**WHEREAS**, City Council has reviewed the following list of project priorities,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the El Paso City Council approves the following list of streets as project priorities under "Unpaved Rights-of-way" (Citywide) project as required by Proposition No. 3 of the Feb. 7, 2004 General Obligation Bond Election.
  - a. Chariot Way from Mesita Drive to Dead End (District 1)
  - b. Coates Drive from Coates Booster to 325 Coates (District 1)
  - c. Ethel Road from Medano Drive to 5772 Ethel (District 1)
  - d. Geiger Avenue from Ascarate Street to Tangier Place (District 3)
  - e. Colfax Street from Gateway East to Dead End (District 3) and;
2. That any remaining funds be used for the purchase of right-of-way for unpaved right-of-way projects on the following project priority list.
  - a. Annie Road from Ethel to 325 Annie Rd. (District 1)
  - b. Johannsen Road from Coates to Dead End (District 1)
  - c. Lee Shannon from 840 to 860 Lee Shannon (District 1)
  - d. Pheasant Road from Sun Valley to Dyer (District 4)
  - e. Cana Drive from Candelaria to Dead End (District 6)

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**\*RESOLUTION**

**WHEREAS**, on February 7, 2004, the citizens of El Paso approved Proposition No. 3 as identified on the Bond Obligation Election ballot and as described in Ordinance No. 15611; and

**WHEREAS**, Proposition No. 3 identifies the issuance of general obligation bonds for the purpose of providing funds for permanent public improvements and Proposition No. 3 included a specific project name "Unpaved Rights of Way" (District 2), which includes design and construction of unpaved residential and arterial streets and

**WHEREAS**, the "Unpaved Rights of Way Program" (District 2) project description requires the project priorities be approved by City Council; and

**WHEREAS**, City Council has reviewed the submitted Project priorities,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the El Paso City Council approves Attachment "A" as the Project priorities under the Unpaved Rights-of-Way (District 2) project as required by Proposition No. 3 of the Feb. 7, 2004 General Obligation Bond Election.

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**\*RESOLUTION**

**WHEREAS**, on February 7, 2004, the citizens of El Paso approved Proposition No. 3 as identified on the Bond Obligation Election ballot and as described in Ordinance No. 15611; and

**WHEREAS**, Proposition No. 3 identifies the issuance of general obligation bonds for the purpose of providing funds for permanent public improvements and Proposition No. 3 included a specific project name "Unpaved Rights of Way" (District 8), which includes design and construction of unpaved residential and arterial streets and

**WHEREAS**, the "Unpaved Rights of Way Program" (District 8) project description requires the project priorities be approved by City Council; and

**WHEREAS**, City Council has reviewed the submitted Project priorities,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the El Paso City Council approves Attachment "A" as the Project priorities under the Unpaved Rights-of-Way (District 8) project as required by Proposition No. 3 of the Feb. 7, 2004 General Obligation Bond Election.

NOTE: Attachment "A" was revised.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Joint Powers Agreement by and between the **CITY OF EL PASO** and the **STATE OF NEW MEXICO, acting by and through the New Mexico Department of Transportation**, for a project known as "**Sunland Park Extension**".

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign a First Amendment to an Agreement for Engineering Services by and between the **CITY OF EL PASO** and **MORENO CARDENAS, INC.**, for a project known as "**Carlson/Elliott Pump Station**" in an amount not to exceed FIFTY-TWO THOUSAND EIGHT HUNDRED TEN and NO/100 DOLLARS (\$52,810.00).

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

### **RESOLUTION**

#### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **Assistant Director of Parks and Recreation** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **5158**. The Grade is **EX E**. Amendment is subject to the concurrence of the Civil Service Commission.

Mr. Richard Schechter, citizen, commented.

Mayor Joe Wardy commented.

Ms. Joyce Wilson, City Manager, commented.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **APPROVE** the above Resolution.

Representative Ortega not present for the vote.

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Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to **MOVE TO THE FOREFRONT OF THE REGULAR AGENDA** the following:

Motion made by Representative Cook, seconded by Representative Ortega and unanimously carried to **MOVE INTO EXECUTIVE SESSION** the following:

### **RESOLUTION**

#### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and the County of El Paso / District Attorney, 34<sup>th</sup> Judicial District of the State of Texas, for services to the City and its Police Department relating to arrests and prosecution of cases in connection with the District Attorney's Information Management System and program from September 1, 2004 through August 31, 2005, in an amount not to exceed \$380,042.00.

Mayor Joe Wardy and Representatives Cook and Lozano commented.

The following members of the public commented:

1. Mr. Sam Snoddy, attorney, spoke in opposition to the resolution and stated for the record, that three years ago he had put the Council on notice regarding DIMS (District Attorney's Information Management System) and a case involving a Coast Guard Ensign.
2. Mr. Richard Schechter
3. Mr. Jaime Esparza, District Attorney, 34<sup>th</sup> Judicial District, spoke in favor of the resolution.

The following City staff members commented:

1. Mr. Jim Martinez, Assistant City Attorney
2. Ms. Lisa Elizondo, City Attorney
3. Police Chief Richard Wiles

Motion made by Representative Lozano, seconded by Representative Rojas and **NOT CARRIED TO POSTPONE TWO (2) WEEKS** the above resolution.

AYES: Representatives Cushing, Lozano and Rojas

NAYS: Representatives Austin, Cook, Ortega, Escobar and Cobos

Motion made by Representative Ortega, seconded by Representative Escobar and carried to **APPROVE** the above resolution.

AYES: Representatives Austin, Cushing, Cook, Ortega, Escobar, and Cobos

NAYS: Representatives Lozano and Rojas

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**\*R E S O L U T I O N**

**WHEREAS**, the Development Corporation Act of 1979, Art. 5190.6, Texas Revised Civil Statutes, as amended, authorizes the creation of non-profit, non-member, non-stock corporations to act on behalf of political subdivisions of the State of Texas for the promotion of industrial development; and

**WHEREAS**, on August 28, 1979, the City Council of the City of El Paso, Texas, approved the creation of the City of El Paso Industrial Development Authority, Incorporated; and

**WHEREAS**, Article VII of the Articles of Incorporation, as amended effective December 21, 1993, vests powers of the Corporation in a Board of Directors, who are appointed by written resolution of the governing body of the City of El Paso, Texas.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That Manuel Moreno be appointed to the Board of Directors of the Industrial Development Authority, Incorporated, effective as of the date hereof, on behalf of Representative District 4.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign a Termination and Release Agreement between the City of El Paso and El Paso Council of Garden Clubs f/k/a El Paso Garden Clubs, Inc, which will terminate a lease entered into by the City and the Garden Clubs, on May 27, 1980 and provide that all improvements on the leased premises be donated to the City.



\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 10<sup>th</sup> day of May, 2005 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 2002 Detroit Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: 28 and 29 and the West 2/3 of Lot 27, Block 16, Highland Park Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 1, Page 54, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Lupe G. Avina, 1612 Bernard Kern Drive, El Paso, Texas 79936-5602, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;

IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....  
\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 10<sup>th</sup> day of May, 2005 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 1300 E. Paisano Drive, in El Paso, Texas, which property is more particularly described as:

Lots: 11 through 15, inclusive, Block 72, Magoffin's Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 14, Page 19, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Meats, Inc., 1300 E. Paisano Drive, El Paso, Texas 79901, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.



\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the Staffing Table Change for Parks & Recreation

Add	1.00	Assistant Director of Parks & Recreation	EX E
Delete	1.00	Assistant Director of Parks & Recreation	C

Fund Source: 51010214-01101-51000

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the Staffing Table Change for Zoo

Delete	1.00	Horticulturist	PM 76
Add	1.00	Park Area Supervisor	GS 22
Delete	1.00	Volunteer Coordinator	C
Add	1.00	Zoo Veterinarian Assistant	GS 14
Add	1.00	Zoo Keeper	GS 12

Fund Source: 52010245-15445-52000

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the Staffing Table Change for Comptroller

Add	1.00	Accountant II	PM 75
Delete	1.00	Accountant I	PM 72

Fund Source: 05010017-01101-05000

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Motion made by Representative Cobos seconded by Representative Cook and unanimously carried to **APPROVE** the appointment of Hughes Butterworth, Jr. to the Tax Advisory Committee by City Council.

NOTE: Language was revised.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **RE-APPOINT** Belen Robles to the History Museum Board as requested by Mayor Pro Tempore Anthony W. Cobos, District 8.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE TWO (2) WEEKS** the board appointment of Daniel De La Haye to the Historic Landmark Commission by Representative Robert A. Cushing, Jr., District 2.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE THREE (3) WEEKS** the board appointment of Bobby Van McKnight to the Arts and Culture Advisory Board by Representative Paul J. Escobar, District 6.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPOINT** Michael E. Breitingger to the International Bridge Commission by Representative Vivian Rojas, District 7.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** installation, power, and maintenance of residential street light at the following location:

Between 117 & 121 Keeney Ct. Cost: \$1,398.00  
Dept ID#01153010, Acct#504420, Fund #16507

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request that the City Manager be authorized to exercise the City's option to extend the term of the agreement for two additional years, from April 15, 2006 to April 15, 2008 pursuant to the provisions of Contract 2003-119 with C & R Distributing, Inc., El Paso, Texas for Hydraulic Oil, Grade 32.

Option No.: ONE [OF ONE]

Amount of Award: \$80,000.00 (total two year extension)  
Account No's: 37370155-503121-45202  
Funding Source: Fleet Service Internal Service Fund  
Department: Fleet Service

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE REGULAR AGENDA** Best Value Procurement Solicitation No. 2005-115 Security Guard Services.

Representative Cook commented.

The following City staff members commented:

1. Mr. Byron Johnson, Director of Purchasing
2. Ms. Joyce Wilson, City Manager

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2005-115 Security Guard Services for City Municipal Building

Award to: Ruiz Protective Services, Inc.  
El Paso, TX  
Item (s): All  
Amount: \$164,000.00 (estimated yearly)  
  
Department: Fleet Services-Facility Services  
Funds available: 31010326-01101-502212  
Funding source: Operating Account, Fleet Services  
Facility Services, Contract  
Total award: \$492,000.00 (estimated)

Fleet Services, Building Maintenance and Purchasing recommend awards as indicated, as this vendor is the lowest responsive bidder providing the Best Value to the City.

This is a thirty-six (36) month contract with the bidder offering the option to extend the term of this contract for two additional years. No Prompt Payment Discount offered.

Representative Ortega was not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** budget transfer BT2005-897 PARKS & RECREATION

This budget transfer requests a new appropriation to refurbish the marquee and monument at the Wellington Chew Senior Center. The Wellington Chew Senior Center Bingo Committee donated this money and this recognizes the revenue.

Increase	\$2,277	to	51510214/P50022316323/405060	Est Rev
Increase	\$2,277	to	51510214/P50022316323/508003	Bldg Imprvm

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 \*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** budget transfer BT2005-899 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$15,215 for traffic signal modifications of driveway and signal at Zaragosa and Don Haskins. Funding source is AMEX Properties, LLC.

Increase	\$15,215	to	31255015/PPW005227691/405067	Rmbs Exp
Increase	\$ 2,036	to	31255015/PPW005227691/508050	Design
Increase	\$13,179	to	31255015/PPW005227691/508027	Construction

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 \*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** budget transfer BT2005-930 MAYOR AND COUNCIL

Representative Rojas, on behalf of District 7, proposes to transfer \$50,000 from capital outlay funding for District 7 to a new project for swing installations in District 7 parks. Funding source is capital outlay District 7.

Decrease	\$50,000	from	04102010/P540010CTY27503/508000	Land
Increase	\$50,000	to	04102010/PPA0500327503/508027	Construction

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 \*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request of Rotary Club of West El Paso to hold an Annual Independence Day parade on July 4, 2005 from 9:00 a.m. to 10:30 a.m. Route: Start at Western Hills Methodist Church at 530 Thunderbird, proceed on Thunderbird to Shadow Mountain, turn left on Shadow Mountain to Mesa, turn right on Mesa, proceed on Mesa to Champions Pl, turn right on Champions Pl and finish at the Coronado High School parking lot at 100 Champions. Approximately 1,500 persons, 50+ vehicles, 50+ animals will take part and 1,500 spectators are anticipated. PERMIT NO. 05-024 [Rick Lobello]

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 \*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request of Indian Ridge Middle School to hold a walk for Diabetes on May 6, 2005 from 9:15 a.m. to 10:30 a.m. Route: Start at Indian Ridge Middle School on Pebble Hills, proceed on Pebble Hills to Running Deer, turn left on Running Deer to Quintana Dr., turn left on Quintana Dr., to Risner, turn left on Risner to Edgemere Blvd., turn left on Edgemere Blvd., to Seabrook, turn right on Seabrook to Ivanhoe, turn right on Ivanhoe to Matagorda, turn left on Matagorda and finish at Indian Ridge Middle School parking lot. Approximately 550 persons will take part and 50 spectators are anticipated.  
 Permit #05-027 [Veronica Murga]

.....  
 \*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request of Arthritis Foundation to hold a 5K walk on April 16, 2005 from 8:00 a.m. to 12:00 p.m. Route: Jogging path at Nations Park, located at 8831 Railroad Dr. Approximately 300 persons, 200 vehicles, 75 animals will take part and 100 spectators are anticipated. This request includes permission to use amplification (1 p.a. system, 1 speaker and 1 microphone). Permit #05-028 [Shawn Abel]

Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A.** An Ordinance authorizing the City Manager to sign a Special Warranty Deed conveying to Tropicana Development Inc., land totaling approximately 117.5 acres of land out of Sections 21 & 22, Block 81, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, located in Northeast El Paso.
- B.** An Ordinance authorizing the City Manager to sign a Special Warranty Deed conveying to Tropicana Development Inc., land totaling approximately 120.7 acres of land out of Section 22, Block 81, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, located in Northeast El Paso.
- C.** An Ordinance authorizing the City Manager to sign a Special Warranty Deed conveying to EPT Land Assets, LP, Land totaling approximately 122.2 acres of land out of Section 21, Block 81, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, located in Northeast El Paso.
- D.** An Ordinance authorizing the City Manager to sign a Special Warranty Deed conveying to EPT Land Assets, LP, land totaling approximately 100.5 acres of land out of Section 21, Block 81, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, located in Northeast El Paso.

**PUBLIC HEARING WILL BE HELD ON APRIL 26, 2005 FOR ITEMS A – D**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Mr. Ray Gilbert, citizen, commented.

Mayor Joe Wardy and Representative Cook commented.

Mr. Robert Andron, General Counsel, El Paso Water Utilities Public Service Board, commented.

.....  
Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representatives Escobar, Rojas and Cobos were not present for the vote.

- E.** An Ordinance authorizing the City Manager to sign a Contract of Sale and any other necessary documents between the City of El Paso and the Humane Society of El Paso, Inc. which will allow for the City to convey property commonly known as 211 and 325 Shelter Place, El Paso, El Paso County, Texas, including the improvements thereon.

**PUBLIC HEARING WILL BE HELD ON APRIL 26, 2005 FOR ITEM E**

Mayor Joe Wardy and Representatives Lozano, Cobos, Cook, Austin, and Escobar commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Terri Cullen-Garney, Deputy City Attorney

The following members of the public commented:

1. Mr. Brian Kennedy, President/CEO, El Paso Sports Commission
2. Dr. Tom McCabe, President, El Paso Humane Society
3. Mr. Dale Denny, Board Member, El Paso Humane Society
4. Mr. Ray Gilbert

- F.** An Ordinance granting a Special Privilege to Keith Mahar to temporarily close a portion of Mills Avenue between Stanton Street and Kansas Street on Saturday, April 30, 2005 and Sunday, May 1, 2005 for "The First Annual Downtown Sports Bar & Grill Block Party". (Fee: \$50.00, SP-05004)

**PUBLIC HEARING WILL BE HELD ON APRIL 26, 2005 FOR ITEM F**

- G.** An Ordinance amending Title 19 (Subdivisions) of the El Paso Municipal Code by amending Chapters 19.16 (Improvement Standards and Design Principles) Section 19.16.020 (Streets) Subsection 19.16.020.P (Vehicular Access) to provide certain assurances to a subdivider who has offered to dedicate more land than the City is willing to accept. The penalty is as provided in Section 19.04.190 of the Code.

**PUBLIC HEARING WILL BE HELD ON APRIL 26, 2005 FOR ITEM G**

- H.** An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by adding a defined use at Section 20.02.078 (Animal Crematory) and amending Sections 20.10.040, 20.38.040, 20.40.040 & 20.42.040 (Uses Permitted By Special Permit) to provide that such use be permitted by Special Permit in R-F, C-2, C-3 and C-4 zoning district classifications; and by adding a defined use at Section 20.02.258 (Crematory) and amending Sections 20.38.040, 20.40.040 & 20.42.040 (Uses Permitted By Special Permit) to provide that such use be permitted by special permit in C-2, C-3 and C-4 zoning district classifications. The penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code. Applicant/Representative: Planning, Research & Development Dept., City of El Paso, #2 Civic Center Plaza, El Paso, TX 79901

**PUBLIC HEARING WILL BE HELD ON MAY 3, 2005 FOR ITEM H**

- I.** An Ordinance granting a Special Privilege authorizing the temporary closure of San Antonio Street between Stanton Street and Kansas Street in front of Calendar Park for a City sponsored downtown "Gone To Lunch" Concert Series and events on April 29, 2005, May 6, 2005, May 13, 2005, May 20, 2005, May 27, 2005 and June 3, 2005.

**PUBLIC HEARING WILL BE HELD ON APRIL 26, 2005 FOR ITEM I**

The following members of the public commented:

1. Ms. Ana Duenez, President of the El Paso Lower Valley Neighborhood Association, commented on 1,000 signatures on a petition opposing crematorium and rendering plants.
2. Ms. Sylvia Stuckey

Ms. Patricia Adatao, Deputy City Manager for Building and Planning Services, revised the public hearing date to May 3, 2005.

- J.** An Ordinance granting Special Permit No. ZON05-00009, to allow for a parking reduction on the property described as the Southerly 61.10 feet of Lot 16 and the Easterly ½ of Lot 15, Block 13, Cotton Addition, El Paso, El Paso County, Texas, pursuant to section 20.64.175 of the El Paso



Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicants: Patricia B. Park and Richard L. Park. ZON05-00009

**PUBLIC HEARING WILL BE HELD ON MAY 3, 2005 FOR ITEM J**

- K.** An Ordinance granting Special Permit No. ZON05-00012, to allow for a nine-tank gasoline, diesel, and jet fuel storage facility and pipeline transfer station on a portion of Tract 5D, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys and a portion of Tract 1, Section 28, Block 80, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas pursuant to Section 20.46.040.F of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: SFPP, LP.

**PUBLIC HEARING WILL BE HELD ON MAY 3, 2005 FOR ITEM K**

- L.** An Ordinance changing the zoning of a portion of Lot 4, Block 160, Vista Del Sol Unit 54, El Paso, El Paso County, Texas from P-I (Planned Industrial) to C-3 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Texas M, LLC. ZON05-00007

**PUBLIC HEARING WILL BE HELD ON MAY 3, 2005 FOR ITEM L**

- M.** An Ordinance changing the zoning of portion of Lot 1, Block 160, Vista Del Sol Unit 54, El Paso, El Paso County, Texas from P-I (Planned Industrial) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jose R. and Kathryn Cordero. ZON05-00013

**PUBLIC HEARING WILL BE HELD ON MAY 3, 2005 FOR ITEM M**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **DELETE** the discussion and action to direct staff to draft an agreement with the Central Business Association for the development of the Downtown "Gone to Lunch" Concert Series.

.....  
**NO ACTION WAS TAKEN** on the discussion and action regarding the City's stance on the allowing of contracts for programs, presentations, expos, and other related venues that are of a sexually-oriented nature in City-owned facilities, to include the Judson S. Williams III Convention Center, also referred to as the El Paso Civic Center.

Representative Lozano commented.

The following members of the public commented:

1. Mr. Stuart Mitchell
2. Mr. Roger O'Dell

.....  
\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE ONE (1) WEEK** the discussion and action authorizing the City Attorney or her designee to negotiate and enter into contracts with outside counsel to represent the City of El Paso in connection with the City's efforts to collect from Asarco the costs of remediating the El Paso metals site.

## RESOLUTION

### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Agreement for Consulting Services by and between the **CITY OF EL PASO** and **SLI ENGINEERING, INC.**, for surveying services for a period of two years in an amount not to exceed ONE MILLION DOLLARS (\$1,000,000.00).

Mr. Rick Conner, City Engineer, commented.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to **APPROVE** the above Resolution.

Representative Ortega not present for the vote.

.....  
Motion made by Representative Rojas, seconded by Representative Lozano and unanimously carried to **AWARD** Bid Solicitation No. 2005-099 Wenda Way Street and Drainage Improvements

Contractor:	Southwest Growth Corporation El Paso, Texas
Department:	Street
Funds Available:	14200403-PBE04ST141-29157-508027
Funding Source:	2004 Bond Election
Items:	Base Bid I      \$618,954.80 Base Bid II     \$ 65,700.00 Base Bid III    \$144,000.00
Total Award:	\$828,654.80 (Estimate)

### RECOMMENDATION:

The Departments of Engineering and Streets recommend the award of this contract to Southwest Growth Corporation, the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

Representative Ortega was not present for the vote.

Mr. Byron Johnson, Director of Purchasing, responded to questions of Representative Cushing.

.....  
Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2005-129 Ground Maintenance for El Paso City Parks-Mowing

Award to:	Vendor 1:	Martinez Irrigation & Landscapes Inc. El Paso, Texas Central Group 2, 3, 5, 6 Eastside Group 1 through 8 Lower Valley Group 1, 3, 5
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Award Amount Northeast Group 1, 2, 5  
Northwest Group 3, 4, 5  
\$286,629.00 (estimated yearly)

Award to: Vendor 2: Ledesma's  
El Paso, TX  
Central Group 4  
Lower Valley Group 2, 4, 6  
Northeast Group 7, 8  
Award Amount \$95,739.15 (estimated yearly)

Award to: Vendor 3: EPDS  
El Paso, TX  
Northeast Group 3, 4, 6, 9, 10  
Northeast Group 2  
Award Amount: \$ 34,678.20 (estimated yearly)  
Total Award Amount: \$417,046.35 (estimated yearly)

Department: Parks & Recreation  
Funds available: 51010262-01101-502221  
Funding source: General Funds, Ground-keeping, Horticultural Contracts  
Total award: \$1,251,139.05 (estimated)

Parks & Recreation Department and Purchasing recommend awards as indicated as this vendor has provided the Best Value Bid meeting all criteria.

This is a thirty-six (36) month contract with the option to extend the term of this contract two (2) additional years. Additionally, Ledesma offers a 10% 10 days prompt payment discount and EPDS offers a 2% 10 days prompt payment discount.

Representative Ortega was not present for the vote.

Representative Escobar asked questions of Mr. Byron Johnson, Director of Purchasing, and Dr. Norman Merrifield, Director of Parks and Recreation.

.....  
Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to **APPROVE** the request that the Director of Purchasing be authorized to issue Purchase Order(s) to Motorola, Inc. in the amount of \$522,409.35 for the purchase of Motorola XTL5000/W5 Control Head and accessories. Reference sole sources item approved by Mayor and Council on December 7, 2004. Motorola Inc. is the sole manufacturer of Mobile/Portable Radios and Express Service Plus Plan. Motorola can provide factory warranties for these products, and can provide factory level maintenance. The City of El Paso has existing service contracts with Motorola for these products. Theses product are critical to the operation of the City's Public Safety Trunked Radio Communications System. This is a sole source procurement as defined under Section 252.022 of the Local Government Code.

Additional, it is requested authorization for City staff to negotiate, City Attorney's Office to review, and the City Manager be authorized to execute any related contract documents and agreements necessary during the contract.

Award Amount: \$522,409.35  
Funds Available: 04200401-29209-508006 Public Safety, Capital Acquisition, Vehicular Equipment

Department: Police

Representative Ortega was not present for the vote.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE FOUR (4) WEEKS** the public hearing for an Ordinance amending Title 19 (Subdivisions) of the El Paso Municipal Code by amending Chapter 19.16 (Improvement Standards and Design Principles) Section 19.16.050 (Stormwater Design) Subsection 19.16.050.H (Preservation of Natural Arroyos) to require that the City Plan Commission determine whether to approve a modification of conditions to allow improvements on natural drainage courses known as arroyos. The penalty is as provided in Section 19.04.190 of the Code.

.....  
Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE FOREFRONT OF THE REGULAR AGENDA** the public hearing of an Ordinance amending Title 3 (Revenue and Finance) of the El Paso Municipal Code, Chapter 3.04 (Property Taxes) by amending Section 3.04.040 (Exemption – Residence Homestead) to increase the Ad Valorem Property Tax Exemption for individuals who qualify under the current Code.

Mayor Joe Wardy and Representative Cushing, Cobos, Lozano, Austin, Cook, Ortega, and Rojas commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Bill Studer, Deputy City Manager for Financial and Administrative Services, gave a Powerpoint presentation (on file in the City Clerk's Office)
3. Mr. David Almonte, Director of OMB

The following members of the public spoke in favor of the Ordinance:

1. Ms. Jetta Roberts
2. Mr. Stan Roberts
3. Mrs. Sandra Vandeven
4. Mr. John Vandeven
5. Mr. Bill Whitley
6. Mr. Archie Norman
7. Mr. Norman L. Brown

The City Clerk called for further public comment. There was no further public comment.

### **ORDINANCE 16028**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 3 (REVENUE AND FINANCE) OF THE EL PASO MUNICIPAL CODE, CHAPTER 3.04 (PROPERTY TAXES) BY AMENDING SECTION 3.04.040 (EXEMPTION – RESIDENCE HOMESTEAD) TO INCREASE THE AD VALOREM PROPERTY TAX EXEMPTION FOR INDIVIDUALS WHO QUALIFY UNDER THE CURRENT CODE.**

Motion duly made by Representative Lozano, seconded by Representative Rojas, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos

NAYS:           None                           Absent:           None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **DELETE** the public hearing to determine if the property located at 5763 Alameda Avenue (Rear of store and rear apartments), in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated August 16<sup>th</sup>, 2004. The owner of this property, Gerardo Aguirre, 9850 Staubach Drive, El Paso, Texas 79927, has been notified of the violations at this property.  
.....

RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structures located on the property at 2910 Grant Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lots: 7 and 8, Block 5, Castle Heights, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 4, Page 32, Plat Records of El Paso County, Texas

are dilapidated, substandard, and unfit for human habitation; are a hazard to public health, safety, and welfare; do not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Angel C. Lara, 2910 Grant Avenue, El Paso, Texas 79930, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on April 12<sup>th</sup>, 2005; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structures located on said property are unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structures are not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
  - d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structures cannot be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the Building and accessory structure be demolished within (30) days; and
  - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - c. That the Owner of said Buildings is hereby ordered to comply with all requirements of the Resolution; and

- d. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all weeds, trash, and debris; and
- 3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the Buildings and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
  - 4. That said Owner shall become personally liable for all costs incurred by City in connection with the demolition of the Buildings and cleaning the premises of all weeds, trash and debris; and
  - 5. That the costs incurred by the City in connection with the demolition of the Buildings and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
  - 6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
    - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
    - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
    - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
  - 7. That upon failure of the Owner, any mortgagees or lienholders to restore the Buildings so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
  - 8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within thirty (30) days after notice of this Resolution. The findings shall become final after thirty (30) days of receipt of Notice; and
  - 9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
  - 10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and read the Department's recommendations into the record.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to **APPROVE** the above Resolution.

Representative Ortega not present for the vote.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE THREE (3) WEEKS** the public hearing for an Ordinance repealing Ordinance No. 15893, granting the authority to the City Manager or the Department Head to enter into and sign certain Personal, Professional, Independent and Volunteer Service Contracts on behalf of the City and to create a new Ordinance on the same subject.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE THREE (3) WEEKS** the public hearing for an Ordinance granting the authority to the City Manager or his or her designee to make provisional and temporary employee appointments in accordance with the El Paso City Charter.

.....  
**ORDINANCE 16029**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), OF THE EL PASO MUNICIPAL CODE, TO ADD A SUBSECTION IDENTIFYING THE SPEED LIMIT AS THIRTY-FIVE MILES PER HOUR ON EXECUTIVE CENTER BOULEVARD FROM MESA STREET TO PAISANO DRIVE. THE PENALTY AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Austin commented.

The following City staff members commented:

1. Mr. Rick Conner, City Engineer
2. Ms. Terri Cullen-Garney, Deputy City Attorney, revised the Ordinance language.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Rojas, that the Ordinance be **ADOPTED AS REVISED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Council Member Ortega not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED AS REVISED**.

.....  
**ORDINANCE 16030**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PORTION OF LOT 1, BLOCK 146A, VISTA DEL SOL UNIT 52, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended approval. He added that there was one letter submitted to the Department opposing the zoning change request and answered questions from and responded to comments made by the Council Members.

Representative Rojas commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Rojas, seconded by Representative Lozano, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Council Member Ortega not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....  
**ORDINANCE 16031**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO THE CENTRAL BUSINESS ASSOCIATION OF EL PASO, INC., TO PERMIT TEMPORARY SIDEWALK VENDING FOR PARTICIPATING MERCHANTS WITHIN CERTAIN PUBLIC RIGHTS-OF-WAY IN DOWNTOWN EL PASO FROM APRIL 13, 2005 THROUGH JULY 3, 2005.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:



AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Council Member Ortega not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....  
**RESOLUTION**

**WHEREAS**, *The Plan for El Paso* was formerly adopted by the El Paso City Council on April 27, 1999 pursuant to the provisions of Section 219.002 of the Texas Local Government Code as the comprehensive plan for the City; and

**WHEREAS**, the *The Plan for El Paso* serves as a general guide for the future growth and development of the City to promote public health, safety and welfare; and

**WHEREAS**, *The Plan for El Paso* recommends the development of study area plans for areas of the City designated for mixed use, and encourages citizen participation in the development and implementation of these plans; and

**WHEREAS**, a study area plan is intended to be a separate policy document that is integrated into *The Plan for El Paso* to ensure consistency with the goals, policies and general objectives of the City's comprehensive plan and ongoing planning process; and

**WHEREAS**, a neighborhood planning focus was initiated in August of 2002 with the adoption of the Neighborhoods Matter! Program, an initiative administered in the Planning, Research and Development Department to establish neighborhood plans; and

**WHEREAS**, the City Plan Commission has an important role throughout this process in conformance with the Commission duties listed in Title 2 of the City of El Paso Municipal Code; and

**WHEREAS**, the El Paso City Council requested that the policy for developing neighborhood plans be adopted so that neighborhood groups, staff, and elected and appointed officials can use this a guide to authorize and develop neighborhood plans; and

**WHEREAS**, the proposed framework for prioritizing and developing neighborhood plans ("Neighborhood Plan Development Process") set forth herein carries out the purpose and spirit of the policies expressed in *The Plan for El Paso* and the Neighborhoods Matter! Program and further delineates the process by which neighborhood plans can be developed and adopted under the neighborhood planning program; and

**WHEREAS**, community input for the Neighborhood Plan Development Process document was solicited initially through a series of public meetings held in each of the five planning areas throughout the City from January 24, 2005 through March 3, 2005; and

**WHEREAS**, the Development Coordinating Committee and City Plan Commission have recommended approval of the Neighborhood Plan Development Process provided for herein

**WHEREAS**, the El Paso City Council finds that the adoption of the Neighborhood Plan Development Process carries out the purpose and spirit of the policies expressed in *The Plan for El Paso*.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:**

1. **THAT** the El Paso City Council hereby approves the Neighborhood Plan Development Process together with appendices (Exhibit "A") as the appropriate document for identifying, prioritizing, and processing neighborhood plans.

Ms. Veronica Rosales, Chief Urban Planner for Planning, Research and Development, commented.

Mayor Joe Wardy and Representatives Cook, Cushing, and Rojas commented.

Mr. Richard Schechter, citizen, commented.

The City Clerk called for further public comment. There was no further public comment.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to **APPROVE** the above Resolution.

Representative Ortega not present for the vote.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE ONE (1) WEEK** the following executive session item:

Discussion and action authorizing the City Attorney or her designee to negotiate and enter into contracts with outside counsel to represent the City of El Paso in connection with the City's efforts to collect from Asarco the costs of remediating the El Paso metals site. (551.071 and 551.072)

.....  
Motion made by Representative Cook, seconded by Representative Ortega and unanimously carried that the City Council **RETIRE INTO EXECUTIVE SESSION** at 12:02 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

Resolution that the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and the County of El Paso / District Attorney, 34<sup>th</sup> Judicial District of the State of Texas, for services to the City and its Police Department relating to arrests and prosecution of cases in connection with the District Attorney's Information Management System and program from September 1, 2004 through August 31, 2005, in an amount not to exceed \$380,042.00. Funding Source: General Funds, Account #21010050-01101-502217.

Motion made by Representative Escobar, seconded by Representative Ortega and unanimously carried to **ADJOURN** the Executive Session and **RECONVENE** the meeting of the City Council at 12:16 p.m., during which time motion was made as follows:

.....

Motion made by Representative Ortega, seconded by Representative Escobar and carried to **APPROVE** the Resolution that the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and the County of El Paso / District Attorney, 34<sup>th</sup> Judicial District of the State of Texas, for services to the City and its Police Department relating to arrests and prosecution of cases in connection with the District Attorney's Information Management System and program from September 1, 2004 through August 31, 2005, in an amount not to exceed \$380,042.00. Funding Source: General Funds, Account #21010050-01101-502217.

AYES: Representatives Austin, Cushing, Cook, Ortega, Escobar and Cobos

NAYS: Representatives Lozano and Rojas

See discussion on pages 7 and 8.

.....  
Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **ADJOURN** this meeting at 2:43 p.m.  
.....

APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk